

Remarks

Claims 71-101, 104-131, and 135-147 are pending. The specification, Abstract, and claims 71, 74-75, 78, 80-83, 87, 89, 91-92, 96-101, 104-109, 111-112, 114, 117-118, 120-131, and 136-147 have been amended, while claims 102-103 and 132-134 have been cancelled. Claims 1-70 were cancelled previously.

Reconsideration and allowance are requested in view of the above amendments and the remarks below. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

The specification and Abstract have been amended to address the objections of the Examiner set forth in section 1 of the above-referenced Office Action. Accordingly, Applicant respectfully requests withdrawal of the objections to the specification and Abstract.

Claims 102-104, 108, 133, and 134 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter. Accordingly, independent claims 71, 75, and 111 have been amended to include the allowable subject matter of dependent claims 102, 103, and 132-134, respectively.

Claims 71-101, 105-107, 109-127, 128-132, and 135-147 are rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 1-11, 16-28, 34, 36-46, 48-60, 62, 69-72, 75-86, and 99-147 of prior U.S. Patent No. 7,526,969. In addition, claims 71-95, 97, 98, 106-126, 127-135, 138-141, and 143 allegedly conflict with claims 83-95, 109, 111-114, 117-123, 125, 126, 131, 132, 134-143, 150-157, 158-163, 166, 170-173, and 175 of Application No. 10/597,035. Independent claims 71, 75, and 111 have been amended to include the allowable subject matter of dependent claims 102, 103, and 132-134, respectively, and as such, Applicant submits that the above-referenced double patenting rejections are moot.

Accordingly, Applicant submits that independent claims 71, 75, and 111 and their corresponding dependent claims are allowable.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

/ John A. Merecki /

Date: December 22, 2009

John A. Merecki
Reg. No.: 35,812

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)